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REMARKS

The Examiner has required the election of a single species of claim 1 to which the claims will be restricted if no generic claim is held to be allowable. Applicants hereby elect, with traverse, (a) a cytotoxin.

Claims 1-5 have been amended herein. The claims have been amended to recite "cytotoxin" rather than "further reagent". Claim 10 reciting a radiolabel has been canceled. Applicants reserve the right to file a Divisional or Continuation Application directed to any matter canceled by way of the present Amendment. New claims 20-23 have been added to recite the remaining species deleted from claims 1-5 when "reagent" was replaced with "cytotoxin". Basis for the amendments to the claims may be found throughout the specification and claims as-filed, especially on page 3, line 36 to page 4, line 2 of the instant specification.

The restriction is respectfully traversed. Applicants respectfully submit that the species recited by the Examiner (i.e., a cytotoxin, a chemotherapeutic agent, a microbial toxin and a therapeutic antibody and a label are closely related and all function in the same way with regard to the invention. A cytotoxin is a reagent which kills cells. The remaining species, a microbial toxin and a therapeutic antibody, also kill cells and thus are subsets of the species cytotoxin. Applicants respectfully refer the Examiner to page 3, line 36 to page 4, line 2 of the instant specification, which recites "Examples of said further reagents include cytotoxins such as known chemotherapeutic reagents for the treatment of cancer, microbial toxins such as diphtheria toxin and monoclonal antibodies." Thus, Applicants submit that all of the cited species are cytotoxic. The search to examine these

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species in the context of the claims would thus overlap. Applicants believe it would not be an undue burden upon the Examiner to examine all the species at the present time. Therefore, withdrawal of the restriction requirement, and further and favorable consideration of all the claims of record on the merits is respectfully requested.

CONCLUSION

Applicants submit that the present application is fully in condition for examination. An early examination on the merits is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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Attachment to Restriction Requirement and Amendment

Marked-up Claims 1-5

1. (Twice Amended) An agent comprising a protein complex comprising an oligomeric form of α -lactalbumin (MAL) and a [further reagent selected from the group consisting of a] cytotoxin, [a chemotherapeutic agent, a microbial toxin, a therapeutic antibody and a label which may be visualized and a radiolabel] which is combined with MAL such that it is carried into the nucleoplasm of cells which are susceptible to MAL.
2. (Amended) An agent according to claim 1 wherein said [further reagent] cytotoxin is coupled to MAL by conjugation.
3. (Amended) An agent according to claim 1 wherein said [further reagent] cytotoxin is coupled to MAL by covalent bonding.
4. (Amended) An agent according to claim 3 wherein the said [further reagent in] cytotoxin is covalently bonded to MAL by way of a linking or spacer group.
5. (Amended) An agent according to claim 1 wherein said [further reagent] cytotoxin comprises a polypeptide or protein which is fused to MAL.